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IN REPLY REFER TO

Released: December 4, 1991

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Lyle Reeb
General Manager
Radio Station KROQ-FM
3500 West Olive Avenue
Suite 900
Burbank, California 91505

In re: MM Docket No. 91-214 ✓
Inquiry into Broadcast of
Hoax Murder Confession over
Station KROQ-FM, Pasadena
California

Dear Mr. Reeb:

97308

This is in reference to the Commission's inquiry into the broadcast by Station KROQ-FM, Pasadena, California, of a hoax murder confession. The inquiry was authorized pursuant to Section 403 of the Communications Act of 1934, as amended. See Order, FCC 91-225 (released July 17, 1991).

The evidence adduced as a result of this inquiry reveals that on June 13, 1990, Kevin Ryder and Gene ("Bean") Baxter, hosts of the "Kevin & Bean Show" on KROQ-FM, broadcast a segment called "Confess Your Crime" in which listeners were asked to confess on the air to transgressions they had committed. Among the telephone calls that were broadcast during the show was one purportedly from an anonymous listener confessing to the murder of his girlfriend. The broadcast of the murder confession precipitated widespread publicity as well as a costly and time consuming police homicide investigation.

In fact, the confession was a hoax, spontaneously conceived and executed by the two morning announcers without management's prior knowledge or consent. The "confessor" was identified as William Grimes a/k/a Doug Roberts, a friend of Ryder and Baxter who was an announcer at an Arizona radio station at the time of the broadcast and who shortly thereafter was hired as an

announcer at KROQ-FM. Following the broadcast, the announcers made a concerted, and apparently successful, effort to conceal the truth from KROQ-FM's management as well as the public.

Management learned that the broadcast was a hoax perpetrated by the announcers in April 1991, after receiving certain incriminating information from law enforcement officials. Following an internal investigation, Infinity Broadcasting Corporation of Los Angeles temporarily suspended the announcers without pay, provided on-air apologies for the incident, and arranged for the announcers to provide a specified number of hours of community service and to provide full restitution to the Los Angeles Sheriff's Department for the cost of its homicide investigation. The licensee also agreed to underwrite the cost of preparing and distributing an educational pamphlet on the broadcast of false and misleading information to radio and television stations nationwide.

Based on the foregoing, it appears as a result of this inquiry that the licensee did not abdicate its basic responsibility to supervise its employees. Station KROQ-FM's broadcast of the hoax murder confession was a spontaneous, isolated event, orchestrated solely by certain on-air personnel, who subsequently engaged in a coverup. Neither station management nor the licensee knew, or had any reason to suspect, that the broadcast was actually a hoax. Further, upon learning that the broadcast was a hoax, management promptly effectuated disciplinary and remedial action.¹

Nevertheless, the Commission has long viewed the type of deliberate distortion of programming that occurred in this case as inconsistent with the public interest. It is also well established that licensees are ultimately responsible for the actions of their employees. See Empire Broadcasting Corp., 25 FCC 2d 68 (1970). Furthermore, licensees will not be excused for past violations by reason of subsequent remedial action. See Cate Communications Corp., 60 RR 2d 1386 (1986).

Accordingly, Infinity Broadcasting Corporation of Los Angeles, licensee of Station KROQ-FM, Pasadena, California, IS HEREBY ADMONISHED for broadcasting the type of false and misleading information which violates the Commission's general policy requiring licensees to program their stations in the public interest. See Policy Statement and Order, 57 RR 2d 939 (1985). It is expected that Infinity Broadcasting Corporation of Los Angeles will take such steps as are necessary to assure that such violation is not repeated. This matter is being made a part of KROQ-FM's permanent record.

¹ The evidence does not reveal any nexus between Grimes' participation in the hoax and his subsequent employment at KROQ-FM.

This letter constitutes the full text of the Commission's report on the subject inquiry, pursuant to Section 404 of the Communications Act of 1934, as amended. This letter was adopted by the Commission on December 2, 1991.

BY DIRECTION OF THE COMMISSION

Donna R. Searcy

Donna R. Searcy
Secretary

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